

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:12-po-053

-vs-

:

Magistrate Judge Michael R. Merz

TRAVIS McCALL,

Defendant.

ORDER

This case is set for arraignment on June 20, 2012. On June 15, 2012, District Judge Rice entered an order finding Defendant mentally incompetent to participate at this time in the supervised release proceedings pending against him in Case No. 3:02-cr-042 (05) and remanding him to the custody of the Attorney General for treatment and evaluation to determine if there is a substantial probability that his competence will be restored sufficiently to permit those proceedings to go forward.

Because the standard of competence for these two proceedings is the same, it appears to the undersigned that the parties hereto are collaterally estopped by Judge Rice's order from relitigating that question in this case.

It is accordingly ORDERED:

1. That the Federal Public Defender be appointed to defend Mr. McCall in this case.

2. That the setting of the case for arraignment be vacated.
3. That appointed defense counsel advise the Court not later than July 1, 2012, whether she or he has any objection to this Court's entering an order committing Mr. McCall on the same basis as he has been committed by Judge Rice.

June 15, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge